दक्षिण दिल्ली की पुलिस के कर्मचारियों द्वारा आज से लगभग 15 माह पूर्व पश्चिमी उत्तर प्रदेश के हापुड़ कस्बे के दो व्यक्ति तथा इसी कस्बे के समीप के दो अन्य व्यक्तियों को पकड़ ले जाने, उन्हें गायब कर देने और बाद में इनकी हत्या कर दिए जाने की घटना से हापुड़ तथा आसपास के गावों मे भय तथा आंतक का वातावरण व्याप्त है। पुलिस का यह क्रूर, अमानवीय कुकृत्य सरकार की अकर्मण्यता का परिचायक तथा जनतंत्र एवं संवैधानिक अधिकारों पर कुठाराघात है।

कहा जाता है कि दिनांक 10-4-87 को दक्षिण दिल्ली की पुलिस ने पश्चिमी उत्तर प्रदेश के हापुड कस्बे से पूरन सिंह, ट्रक ड्राइवर तथा ट्रक के क्लीनर श्याम सिंह को गिरफ्तार किया और इन्हें जीप से ले कर चले गए। इसी दिन से हापुड कस्बे के पास के गाव चाराउन्डी के निवासी तिलक राम और बीर सिंह का भी कुछ पता नही चला जिनके संबंध में कहा जाता है कि इन दोनों को पुलिस पूरन सिंह को पहचान करने के लिए अपने साथ ले गई थी।

उक्त व्यक्तियों के परिवार वालों ने प्रधानमंत्री, गृह मंत्री तथा अन्य अधिकारियों के यहां बार-बार गुहार लगाई और अपहृत व्यक्तियों की जीवन रक्षा की मांग की परन्तु आज तक इन व्यक्तियो का पता नहीं चला।

महोदया, मेरे तथा माननीय राम अवधेश सिंह के अतारांकित प्रश्न संख्या 880 के उत्तर में राज्य गृह मंत्री जी ने बताया है कि दिल्ली पुलिस द्वारा इसकी जांच कराई जा रही है। इस लोमहर्षक तथा अमानवीय घटना के संबंध में स्टेटसमैन ने दिनांक 12-7-88, 20-7-88 को समाचार प्रकाशित किया तथा टाइम्स आफ इण्डिया ने 13-7-88 को समाचार प्रकाशित किया और 15-7-88 को सम्पादकीय लिखा परन्तु आश्चर्य है कि सरकार और पुलिस अब तक इस घटना के संबंध में कुछ पता नहीं लगा सकी। जो जांच की कार्यवाही की जा रही है वह निष्पक्ष नही हो रही है। सम्भव है गिरफ्तार किये गये व्यक्ति अपराधी रहे हों। मैं हरगिज इन्हे अपराध से बचाने की बात नही करता परन्तु पुलिस ने कानून तथा न्यायालय का अधिकार अपने हाथ में ले कर जघन्य अपराध किया है। अतः मेरी मांग है कि इस पूरे प्रकरण की सी. बी. आई. द्वारा जांच करा कर आवश्यक और कठोर कार्यवाही की जाए। धन्यवाद।

ALCOCK ASHDOWN COMPANY LIMITED (ACQUISITION OF UNDERTAKINGS) AMENDMENT BILL, 1988

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM): Madam, Deputy Chairman, I beg to move:

"That the Bill further to amend the Alcock Ashdown Company Limited, (Acquisition of Undertakings) Act, 1973, as passed by the Lok Sabha, be taken into consideration."

The question was proposed.

THE DEPUTY CHAIRMAN: Mr. Sukomal Sen—absent. Mr. Sunil Basu Ray—absent. Yes, Mr. Satyanarayan Reddy.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Madam, Deputy Chairman, this is a simple Bill which seeks to amend the original Act. The Minister wants, through this Bill, an amendment after section 8.

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): No amendments are suggested here, in the Rajya Sabha. These have already been passed by the Lok Sabha.

SHRI B. SATYANARAYAN REDDY: I know that this amendment bill has already been passed by the Lok Sabha. I am not so ignorant. This

(Shri B. Satyanaranyan Reddy)

amendment Bill, as passed by the Lok Sabha, has come to the Rajya Sabha for discussion. I know that much. Through this Bill, you want to transfer the rights etc. of the Central Government vested in the two units at Bhavnagar and Bombay to the Gujarat Government and the Mazagaon Dock respectively. I know But please sit down and hear what I am going to say. If you have got to say anything, you can do so when you reply.

THE DEPUTY CHAIRMAN: You continue your speech. He is, after all, going to reply.

SHRI J. VENGAL RAO: He mentioned that there are some amendments. No amendments here.

SHRI B. SATYANARAYAN REDDY: Some new sections have been added after section 8.

THE DEPUTY CHAIRMAN: Mr. Minister, he is referring to the amendments made by the Lok Sabha.

SHRI B. SATYANARAYAN REDDY: I do not know why the Minister is so impatient.

THE DEPUTY CHAIRMAN: You address the Chair.

SHRI B. SATYANARAYAN REDDY: I am addressing you.

Madam, after this amendment bill has been passed by the Lok Sabha, the Bill has come before the Rajya Sabha. I am not going to suggest any amendments here. I have no objection so far as this is concerned. But I have some doubts and reservations which have to express. Through this Bill, new sections sections 8A, 8B, 8C, 8D 8E and 8F are proposed to be added. In the case of the Bhavnagar units, it is proposed to be transferred to the Government of Gujarat. This is a simple thing. The rights and other things which are vested in the Central Government in relation to the Bhavnagar unit are being transferred to the Gujarat Government, I agree. I have no quarrel so far as this is concerned.

Section 8B relates to the vesting of the Bombay unit in the Government company, Mazagaon Dock of Maharashtra. I have no objection to this also. In regard to the interests of the workers, they have said in section 8C 'Employment of certain employees to continue when Bhavnagar unit vests under section 8A'. You have said this. But in practice. what will happen? This is very important. Whenever the rights and other things from one authority are transferred to another authority, it is always seen that the interests of the workers have been ignored. Majority of the workers suffer. Therefore, while welcoming the Bill, I would request the hon. Minister to ensure that the that the rights of the workers, who are already working in the present units, are not ignored. Their rights should be safeguarded. Their interests should be safeguarded. They should not be harassed or removed. Their services should not be disturbed. This I would like to stress.

Then, in regard to provident fund and other things when undertakings vest under section 4A, something has been said in regard to their transfer in section 8D. But here I would like to draw the attention of the Government that interests which the workers have in regard to Provident Fund should also not be disturbed. The workers should not feel that by transferring these units from the Central Government to the State Government of Gujarat or Bombay Mazagoan Docks, their provident fund and other interests will be affected. These should be safeguarded. This is what I want.

1 00 P.M.

As far as this Bill is concerned, it is a very simple and non-controversial Bill and I welcome it. Only the workers' interests should be kept uppermost. In every company or firm in this country, workers' participation in the management is very important be-

cause the whole country is being built by the toil and hard work of the workers. So their interests should not be ignored and while taking this opportunity of speaking on this Bill, I request the hon. Minister to also consider the question of workers' participation in management and if necessary, a bill should be brought in this House so that the workers may feel that they are equal owners of each firm and its management. Thank you.

श्री कैलाश पति मिश्र (बिहार) : *उपसभापति महोदया, छोटा सा विधेयक है* और विधेयक पर कोई विशेष विवाद नहीं है और मैं भी इसके समर्थन में खड़ा हुआ हूं। आग्रह केवल एक करना चाहता हूं और एक बिन्दु की ओर सरकार का ध्यान भी खींचना चाहता हूं कि एक ही विधेयक का बार-बार जो अमेंडमेंट लाना पड़ता है वह एक बात प्रकट करता है कि जब कभी विधेयक बना और काम शुरू हुआ उससे जुड़े हुये सारे पहलू सांगोपांग उस पर पहले ठीक से विचार नहीं होता और साल दो साल बाद उसमें कठिनाइयां दिखाई देने लगती हैं और फिर अमेंडमेंट लाना पड़ता है। वेलफेयर स्टेट के अंतर्गत श्रमिक वर्ग की चिंता सबसे पहले करनी होगी। श्रमिक उत्साह से काम करें, उसके मन में किसी प्रकार का संदेह न पैदा हो और संस्थान घाटे में न चले, सुव्यवस्थित चले इसका भी विचार करना होगा। मैंने बहुत पहले कहा था कि राष्ट्रीयकरण आवश्यक भी है लेकिन सब बातों में राष्ट्रीयकरण करना आवश्यक नहीं है। यह कोई सिद्धांत नहीं बन सकता, आवश्यकता के अनुसार राष्ट्रीयकरण आवश्यक है। माननीय वेंगलराव जी यहां पर हैं। वह आदमी बड़े भले है। उनसे बातचीत करने के बाद प्रसन्नता होती है। अभी एक बिहार का केस लेकर हम मिले थे। डालमियां नगर की एक फैक्ट्री है जो कि 5 वर्षों से बन्द पड़ी हुयी है। माननीय वेंगलराव जी से बात-चीत हुयी। बात-चीत से बहुत ही संतोष हुआ। योगायोग से इसी बीच में बिहार के मुख्य मंत्री से भी भेंट हो गई। मैं आशा करता हूं था कि माननीय वेंगलराव जी की ओर से जो हम लोगों की बात-चीत हुयी थी बिहार के मुख्य मंत्री को उसकी जानकारी प्राप्त हो गई होगी और उस दिशा में काम जरा तेजी से बढ़ गया होगा। मगर आज तक बिहार के मुख्य मंत्री को उसकी जानकारी नहीं है। 20 हजार से अधिक श्रमिक मृत्यु के कगार पर है। कई बार कह चुका हूं सैकड़ों नहीं हजार के ऊपर संख्या जा रही है कि भूख से मरकर जो समाप्त हो गये। उनको किसी प्रकार से मरने नहीं देना चाहिये, उनकी दुर्व्यवस्था समाप्त करनी चाहिये और केंद्रीय सरकार का दायित्व है, कि ऐसे कामों को ऐसे संस्थानों को जितनी आवश्यक मदद है, उनकी मदद की जाये। मुझे प्रसन्नता हो रही है इस विधेयक को देख कर कि केन्द्र सरकार ने इस पर चिंता प्रकट की है और आशा करता हूं कि न श्रमिक इससे दुखित होंगे और न संस्थान अव्यवस्थित चलेगा।

इन्हीं शब्दों के साथ सरकार से फिर से आग्रह करते हुये कि आप इस पर ध्यान दें, मैं इसके समर्थन में अपनी बात समाप्त कर रहा हूं। धन्यवाद।

SHRI KAMAL MORARKA (Rajasthan): Madam, as the Member preceding me has said, it is a very small legislation which really enables the Central Government to transfer the undertakings, acquired 15 years ago, to the Government of Gujarat and the Maagoan Dock Limited. But, while on the subject, I would like to draw the attention of the Industry Minister to two or three aspects.

Firts of all, in the last 15 years there has been a sea change in the Indian economic scene and, therefore, while considering the pending decisions regarding such undertakings—I think there are still half a dozen or one dozen of them—whose management the Government has taken over and has yet to take a final decision whether they would be nationalized or given what final shape of institutionalization—my request to the Industry Minister is that taking into consideration the total scenario, Gov-

ernment should fix the criteria where Government would like to step in. And the criteria, apart from seeing to protection of employment where there are a large number of workers involved, should also include the criterion of viability.

Yesterday we had a very heated discussion on the NTC where we have seen that transfer of ownership from private to public sector has still not solved the problem, not even of the workers. We have only taken on the burden of bearing the losses from the Government exchequer. I don't think Government should be a hospital for sick units; it is not meant to be so. We should only take up sick units which we can cure or which, we feel, it is imperative to run in the national interest. That is number one. Number two: Whichever unit we take up—in the interest of the workers and in the interest of the unit—an immediate decision should be taken on its management and future, maybe in three or six months. A decision after 15 years is horrifying for any industrial establishment. Number three: We cannot have simultaneous talk of taking over sick units and privatizing sick units. There must be something wrong in our philosophy. If we feel that a textile unit is sick in the private sector and so we should take it over and make it healthy and, if a scooter unit is sick in the public sector we should give it over to the private sector to make it healthy, there must be something wrong in this whole philosophy. I would request the Industry Minister to give deeper thought and come out with an overall policy programme so that decisions in the future can be taken on a scientific basis.

SHRI SUKOMAL SEN (West Bengal): Madam, I want to say just a few words. There is no question of opposing the Bill. I am only concerned about the service conditions of the employees.

The two units are going to be amalgamated, one with the State Government of Gujarat and another with Mazagaon Dock in Maharashtra. My experience as a trade union worker is that whenever such an amalgamation or transfer takes place, certain conditions are specified in the Bill but, ultimately while implementing them, a lot of problems arise. I would only request the Government to see to it very sympathetically that the service conditions of the employees who will be transferred or of those who are already working there are not affected adversely. That is my request to the Government. Thank you.

THE DEPUTY CHAIRMAN: Thank you for keeping your word.

SHRI M. ARUNACHALAM: Madam, Deputy Chairman, I am grateful to the honourable Members for their interest in this Amendment Bill and the suggestions given by them. I would like to briefly cover the points raised by my learned friends here.

Shri Satyanarayan Reddy raised the question of interests of employees of the units. As regards those who are already employed in the units at the time of vesting of the units in the State Government, section 8C(1) provides that such employees will continue to hold office with the same rights and privileges as to pension, gratuity, etc., as would have been admissible to them had there been no such vesting in the State Government, unless duly altered by the State Government. I would also like to clarify that by virtue of new section 8C(1) the power of the State Government to terminate the services of the employees as well as to alter the terms and conditions of their service cannot be exercised arbitrarily and can be exercised only after giving the employees a fair hearing and after observing the principles of natural justice.

Other friends have given valuable suggestions, and their suggestions are well taken.

I thank the Members once again.

I commend the Bill for acceptance of the House.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973, as passed by the Lok Sabha be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI M. ARUNACHALAM: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

ANNOUNCEMENT RE. GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 16TH AUGUST, 1988

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): With your permission, Madam, I rise to announce that Government business in this House during the week commencing Tuesday, the 16th August, 1988, will consist of:—

(1) Consideration, return and passing of the following Bils as passed by Lok Sabha:—

(a) The Food Corporation (Amendment) Bill, 1988.

(b) The Aircraft (Amendment) Bill, 1988.

(2) Discussion on the Resolutions seeking disapproval of the following Ordinances together with consideration and passing of the Bills in replacement of them, as passed by Lok Sabha:—

(a) The Arms (Amendment) Ordinance, 1988.

(b) The Religious Institutions (Prevention of Misuse) Ordinance, 1988.

(c) The National Security (Amendment) Ordinance, 1988.

THE DEPUTY CHAIRMAN: Now the House stands adjourned and will meet again at 2-30.

The House then adjourned for lunch at fourteen minutes past one of the clock.

The House reassembled after lunch at thirty-seven minutes past two of the clock, **The Vice-Chairman, (Shri B. Satyanarayan Reddy)** in the Chair.

BANKING COMPANIES (TAKING OVER OF MANAGEMENT) BILL, 1988

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I beg to move for leave to introduce a Bill to provide for the taking over of management of the undertakings of the Banking Companies specified in the Schedule for a limited period with a view to securing their proper management so as to subserve the public interest and for matters connected therewith or incidental thereto.

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA: Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL, 1988 (INSERTION OF NEW ARTICLE 16A)

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I beg to to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA: Sir, I introduce the Bill.